

DECLARATION AND POWER OF ATTORNEY- USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled GENES IDENTIFIED AS REQUIRED FOR PROLIFERATION IN ESCHERICHIA COLI; the specification of which was filed on **January 27, 1999** as Application Serial No. **09/492,709**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Prior U.S.A. Provisional Application(s)

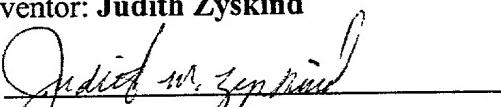
Application No.: **60/117,405** Filing Date: **01/27/99** Status: **Abandoned**

POWER OF ATTORNEY: I hereby appoint the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, Customer No. **20,995**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Judith Zyskind**

Inventor's signature



Date May 15, 2000

Residence: **8514 La Jolla Scenic Drive, La Jolla, CA 92037**

Citizenship: **U.S.A.**

Page 2

Attorney's Docket No. ELITRA.001A

Full name of second inventor: Kari L. Ohlsen

Inventor's signature Kari Ohl

Date May 12, 2000

Residence: 3560 Vista De La Orilla, San Diego, CA 92117

Citizenship: U.S.A.

Full name of third inventor: John Trawick

Inventor's signature John Trawick

Date 12 May 2000

Residence: 7975 Michelle Dr., La Mesa, CA 91942

Citizenship: U.S.A.

Full name of fourth inventor: R. Allyn Forsyth

Inventor's signature R. Allyn Forsyth

Date May 12, 2000
AF

Residence: 1135 Beryl Street, San Diego, CA 92109

Citizenship: U.S.A.

Full name of fifth inventor: Jamie M. Froelich

Inventor's signature Jamie M. Froelich

Date May 15, 2000

Residence: 5057 35th Street, San Diego, CA 92116

Citizenship: U.S.A.

Page 3

Attorney's Docket No. ELITRA.001A

Full name of sixth inventor: **Grant J. Carr**

Inventor's signature Grant J. Carr

Date 5-12-2000

Residence: **2210 Sonrise Glen, Escondido, CA 92029**

Citizenship: **U.S.A.**

Full name of seventh inventor: **Robert T. Yamamoto**

Inventor's signature Robert T. Yamamoto

Date 5/12/00

Residence: **3725 Notre Dame Avenue, San Diego, CA 92122**

Citizenship: **U.S.A.**

Full name of eighth inventor: **H. Howard Xu**

Inventor's signature Xer Hao

Date 5/12/00

Residence: **11142 Ivy Hill Drive, San Diego, CA 92131**

Citizenship: **U.S.A.**

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995